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EXAMINER	
LEE, JINHEE J	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,283	FABRITIUS, HENNA	
	Examiner	Art Unit	
	Jinhee J. Lee	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *0308*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basic of this rejection is set forth in a two-prong test of:
(1) whether the invention is within the technology arts; and
(2) whether the invention produces a useful, concrete, and tangible result.

Re claim 14, claim 14 fails to fall within a statutory category of invention. It is directed to a program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It is also clearly not directed to a composition of matter. Therefore, it is non-statutory under 32 USC 101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-12 and 14-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525).

Re claim 1, Tsai discloses a method for changing an orientation of a User Interface, comprising: detecting a course of motion that is performed on said user interface, and changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion, wherein said user interface is a touch screen display, and wherein said orientation of said touch screen display is changed by rotating the complete display and input control logic (see abstract and figures 2a-2c for example). Tsai does not explicitly disclose displaying an input control logic (dragging element as explained by the applicant) on said user interface. However, Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use drag the hat of the snowman image of Tsai and use it as a dragging element or input control logic in order to display an input control logic (an element to drag) to rotate the snowman image on the display.

Re claim 2, note that Tsai discloses a method, wherein said course of motion is performed on said user interface via a user interface interaction device (see abstract).

Re claim 3, note that Tsai discloses a method, wherein said user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example).

Re claim 4, note that Tsai discloses a method, wherein said user interface interaction device is a device that controls the movement of an element on said user interface (see abstract and figures 2a-2c for example) .

Re claim 5, note that Tsai discloses a method, wherein said course of motion is performed on said user interface by dragging an element that is displayed on said user interface (see abstract and figures 2a-2c could drag the hat of the snowman for example) .

Re claim 6, note that Tsai discloses a method, wherein said element is located near an edge of the user interface. (See abstract and figures 2a-2c, hat is near the top edge in figure 2a for example)

Re claim 7, note that Tsai discloses a method, wherein said course of motion is performed on said user interface by drawing a gesture on said user interface (see abstract and figures 2a-2c for example) .

Re claim 8, note that Tsai discloses a method, wherein said gesture is a circle of a part thereof (see abstract and figures 2a-2c for example).

Re claim 9, note that Tsai discloses a method, wherein said detected course of motion is visualized on said user interface (see abstract and figures 2a-2c for example).

Re claim 10, note that Tsai discloses a method, wherein said orientation of said user interface is changed by 90.degree, 180.degree. or 270.degree. with respect to the device said user interface is integrated in (see abstract and paragraph 0023 for example).

Re claim 11, note that Tsai discloses a method, wherein images that are displayed on said user interface are transformed and/or re-scaled according to said changed orientation (see abstract and figures 2a-2c for example).

Re claim 12, note that Tsai discloses a method, wherein said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019).

Re claim 14, note that Tsai discloses a computer readable medium storing a computer program with instructions operable to cause a processor to perform the method of claim 1 (see abstract and paragraph 0020 for example).

Re claim 15, Tsai discloses a device for changing an orientation of a user interface, comprising: a detector for detecting a course of motion that is performed on said user interface, and a processor and controller for changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion, wherein said user interface is a touch screen display, and wherein said orientation of said touch screen display is changed by rotating the complete display and input control logic (see abstract and figures 2a-2c for example). Tsai does not explicitly disclose displaying an input control logic (dragging element as explained by the applicant) on said user interface. However, Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use drag the hat of the

snowman image of Tsai and use it as a dragging element or input control logic in order to display an input control logic (an element to drag) to rotate the snowman image on the display.

Re claim 16, note that Tsai discloses a device , wherein said device for changing an orientation of said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019 for example).

Re claim 17, note that Tsai discloses a device, comprising: at least one user interface.

Re claim 18, note that Tsai discloses a device, further comprising a user interface interaction device, via which said course of motion is performed on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 19, note that Tsai discloses a device, wherein said at least one user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example) .

Re claim 20, note that Tsai discloses a device, wherein said user interface interaction device is a device that controls the movement of an element on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 21, note that Tsai discloses a device, wherein said course of motion is performed on said at least one user interface by dragging an element that is displayed on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 22, note that Tsai discloses a device, wherein said course of motion is performed on said at least one user interface by drawing a gesture on said at least one user interface (see abstract and figures 2a-2c for example).

Re claim 23, note that Tsai discloses a device, further comprising means for visualizing said detected course of motion on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 24, note that Tsai discloses a device, wherein said orientation of said at least one user interface is changed by 90.degree., 180.degree. or 270.degree. with respect to said mobile phone (see abstract and paragraph 0023 for example) .

Re claim 25, note that Tsai discloses a device, further comprising means for transforming and/or re-scaling images that are displayed on said at least one user interface according to said changed orientation (see abstract and figures 2a-2c for example) .

Re claim 26, Tsai discloses a device for changing an orientation of a user interface, comprising:

means for detecting a course of motion that is performed on said user interface, and means for changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion, wherein said user interface is a touch screen display, and wherein said orientation of said touch screen display is changed by rotating the complete display and input control logic (See abstract, paragraphs 0019, 0020 and figures 2a-2c for example). Tsai does not explicitly disclose means for displaying an input control logic (dragging element as

explained by the applicant) on said user interface. However, Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use drag the hat of the snowman image of Tsai and use it as a dragging element or input control logic in order to display an input control logic (an element to drag) to rotate the snowman image on the display.

Re claims 27, 28 and 29, note that Tsai discloses a device or a method, wherein said course of motion is performed on said user interface by at least one of dragging an element that is displayed on said user interface and drawing a gesture on said user interface (see figures 2a - 2c for example).

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525) in view of Meier et al. (5513309).

Re claim 30, Tsai substantially discloses a method as set forth in claim 1 above. Tsai does not explicitly disclose wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface. However, Meier et al. teaches of wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for

example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the method of Tsai in order to display specific element to drag to rotate.

Re claim 31, Tsai substantially discloses a device as set forth in claim 15 above. Tsai does not explicitly disclose wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface. However, Meier et al. teaches of wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is

a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the device of Tsai in order to display specific element to drag to rotate.

Re claim 32, Tsai substantially discloses a device as set forth in claim 26 above. Tsai does not explicitly disclose wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface. However, Meier et al. teaches of wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user

interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the device of Tsai in order to display specific element to drag to rotate.

Response to Arguments

6. Applicant's arguments filed 5/8/08 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding 101 rejection. Examiner maintains the rejection. Applicant's disclosure does not clearly indicate that a computer readable medium storing a computer program is a hardware.

In response to applicant's argument that Tsia teaches away from the use of an input control logic, examiner disagrees. The button 14 which is used to argue this point is used as a menu item for rotating, not as a dragging element. Tsai does not teach against a dragging element.

In response to applicant's argument that there is no suggestion or motivation to "re-introduce displaying an input control logic (buttons or specific dragging elements), examiner points out that Tsai makes it obvious to drag an element (such as the hat) to rotate the image as previously pointed out above.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific "purposes of implementation of an input control logic as defined in the present application" for example) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the applicant has also agreed that the input control logic is the dragging element. It has already been pointed out that displaying a dragging element is obvious. The specifics argued such as "size on the display would need to be determined so as to be able to discern if the user was actually touching that component..." or "what rules would be applied to identify such a component..." are also not recited in the claims.

Applicant's arguments with respect to "soft button" of claims 30-32 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Tsai "eliminates the need for a control logic to be shown on the display" examiner disagrees. Tsai does not teach against displaying a soft button (or a handle as shown in Meier et al.), if such is desired. The examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Also note that the examination includes giving each term in the claim its broadest reasonable interpretation in determining patentability of the claim.

7. Applicant has not traversed the examiner's assertion of official notice made in the prior office action. Therefore the rejection of the common knowledge or well-known in the art stated in the official notice is taken to be admitted prior art.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-2100 ext. 75. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2175

jjl